Attorney Docket No. P12325

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicant has amended claims 2 and 3 and claim 1 has been canceled. Accordingly, claims 2 and 3 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

The Applicant has amended claims 2 and 3 to: (1) incorporate the limitations of claim 1, and (2) to better define the invention in a format that is customary to U.S. practice. Consequently, the amendments do not raise new issues that would require a further search or substantial consideration by the Examiner.

2.) Substitute Declaration

It appears that the previous counsel may have submitted an incorrect signature page for the declaration. To remedy this situation, the Applicant is submitting a substitute declaration containing the correct signature page. The Examiner's approval of this substitute declaration is respectfully requested.

3.) Claim Rejections – 35 U.S.C. § 102(e)

The Examiner rejected claim 1 under 35 U.S.C. § 102(e) as being anticipated by Mortsolf, et al. (US 6,229,804). The Applicant has deleted claim 1. So this rejection is now considered to be moot.

4.) Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected claims 2-3 under 35 U.S.C. § 103(a) as being unpatentable over Mortsolf in view of Gardell, et al. (US 6,128,304). The Applicant respectfully traverses this rejection.

Mortsolf teaches methods for placing a Gatekeeper into a hierarchy among other the Gatekeepers *in a zone* in order to control whether the Gatekeeper, or another Gatekeeper, *is designated to be an active Gatekeeper and respond to a gatekeeper request message*. As used herein the term "active gatekeeper" means the Gatekeeper

that is designated or elected to respond to gatekeeper requests from initiating Gateway/Terminals. The method involves *assigning a gatekeeper priority value* to each of the Gatekeepers in the zone.

Gardell provide various telecommunications service capabilities on a computer network in instances where the called party is unavailable regardless of the status of the called party's terminal. The invention in Gardell routes such calls to various service nodes offering well known services, including traditional voice mail, personal assistant, and call forwarding services. The network-based system includes a gateway that provides for communication between two dissimilar networks, a signal routing agent that controls operation and transmits signals, and one or more service nodes to selectively receive incoming calls and provide various services.

In contrast, Claim 2 states:

> 2. Method for establishing a connection between a calling party and a called party in a H.323 network wherein the gatekeepers are arranged in a hierarchical manner wherein each gatekeeper has local knowledge of its place in the hierarchy, the method comprising:
>
> receiving by a first gatekeeper a Set-up command issued from a connected calling user,
>
> performing a user location algorithm by said first gatekeeper on its locally attached users,
>
> if this algorithm fails, sending a Location Request message to said first gatekeeper's lower level gatekeepers, wherein each lower level gatekeeper performs an user location algorithm on its attached users and lower level gatekeepers,
>
> if these user location algorithms fail, sending a Location Request message to said first gatekeeper's higher level gatekeeper, which performs an user location algorithm on its attached users and gatekeepers except the originating gatekeeper,
>
> if one of the user location algorithms ~~succeed~~ succeeds, the gatekeeper concerned sending a Location Confirm message to the first gatekeeper,
>
> the first gatekeeper sending a Set-up message to the gatekeeper which has issued the Location Confirm message, which gatekeeper forwards said Set-up message to the called user, whereupon said connection is established.

The Examiner essentially argues that given the hierarchical structure of Mortsolf, Gardell teaches the method described in Claim 2. The Applicant respectfully disagrees.

Gardell's method is illustrated in Fig. 5 of Gardell. It should be noted that title of the present Application is "A Method *for Reducing Signaling* in an H.323 Network . . ." Comparing claim 2 (or Fig. 4 of the present Application) with Fig. 5 of Gardell reveals that even if Gardell has the same function as the claimed invention, Gardell contains significantly more signaling than the claim invention.

In order to fully explain the Applicant's traversal, the Applicant has restructured the Examiner's analysis by comparing the Examiner's citations with the corresponding steps of Fig. 5 of Gardell. The comparison is presented in the Table below:

Reference Step	Steps of Claim 2 as Cited by the Office Action	Corresponding Sequential Steps in Gardell
1	Gardell teaches characterized in that the calling user issues a Set-up command (i.e., Admissions Request (ARQ)) which is received by a connected first gatekeeper, (See Gardell Column 8 Lines 46-67)	3
2	said first-gatekeeper performs a user location algorithm on its locally attached users, (See Gardell Column 8 Lines 55-60)	4
3	if this algorithm fails, said first gatekeeper send a Location Request message to its lower level (i.e., second gatekeepers) gatekeepers, (See Gardell Column 9 Lines 17-64)	22
4	each lower level gatekeeper perform an user location algorithm on its attached users and lower level (i.e., third gatekeeper) gatekeepers, if these user location algorithms fail, said first gatekeeper send a Location Request message to its higher level gatekeeper, which performs an user location algorithm on its attached users and gatekeepers except the originating gatekeeper, (See Gardell Column 9 Lines 17-65)	
5	if one of the user location algorithms succeed, the gatekeeper concerned sends a Location Confirm message (i.e., LCF) to the first gatekeeper, (See Gardell Column 8 Lines 55-67)	5
6	the first gatekeeper sends a Set-up message (i.e., ACF) to the gatekeeper which has issued the Location Confirm message, (See Gardell Column 8 Lines 55-67)	6
7	which gatekeeper forwards said Set-up message to the called user, whereupon said connection (i.e., complete the call) is established (See Gardell Column 9 Lines 1-15).	7-11

The Applicant also invites the Examiner to review Fig. 5 of Gardell where the method taught by Gardell is graphically illustrated.

Referring now to Reference Step 3 of the Table, the Examiner states "if this algorithm fails, said first gatekeeper send a Location Request message to its lower level (i.e., second gatekeepers) gatekeepers, (See Gardell Column 9 Lines 17-64)." According to the logic presented in the office action, the "this algorithm" in this step is LRQ(4) of Gardell. However, the Examiner states that the response to the failure of "this algorithm" is the LRQ 22 of Gardell. The Applicant respectfully disagrees. The Examiner jumped over Gardell's steps 5 through 21 to cite LRQ 22. However, LRQ 22 of Gardell is not generated in response to the failure of the location algorithm (i.e., LRQ 4), but because the CCSE did not receive a connect signal from the terminal endpoint (Gardell, col. 9, lines 34-39). Thus, claim 2's step of "if this algorithm fails, said first gatekeeper send a Location Request message to its lower level (i.e., second gatekeepers) gatekeepers" is simply not found in Gardell.

Additionally, there is nothing in Gardell that relates to the step of "each lower level gatekeeper perform a user location algorithm on its attached users and lower level (i.e., third gatekeeper) gatekeepers, *if these user location algorithms fail, said first gatekeeper send a Location Request message to its higher level gatekeeper,* which performs an user location algorithm on its attached users and gatekeepers except the originating gatekeeper in response to a failure." Gardell does not use higher level gatekeepers and location algorithms are not successively performed in response to the failure of other location algorithms. These elements are simply not found in Gardell.

As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) *must teach or suggest all the claim limitations*." It is respectfully submitted that the combination of Mortsolf with Gardell does not teach all of the elements of claim 2. Thus, the §103 rejection should be withdrawn.

Claim 3 states:

> 3. Method for establishing a connection between a calling party and a called party in a H.323 network wherein the gatekeepers are arranged in a hierarchical manner, the method comprising,

receiving by a first gatekeeper a Set-up command issued from a connected calling user,

performing a user location algorithm on its locally attached users and lower level gatekeepers,

if this user location algorithm fails, forwarding the call by said first gatekeeper to its higher level gatekeeper, which performs an user location algorithm on its attached users and gatekeepers except the originating gatekeeper,

if one of the user location algorithms succeeds, said higher level gatekeeper forwards said Setup message to the called user, whereupon said connection is established.

Thus, in claim 3, the method includes: "performing a user location algorithm on its locally attached users and lower level gatekeepers, *if this user location algorithm fails*, forwarding the call by said first gatekeeper to its higher level gatekeeper, which performs a user location algorithm on its attached users and gatekeepers except the originating gatekeeper." As discussed previously, Gardell simply does not disclose a situation where in response to one user location algorithm failing, the call is forwarded to another gatekeeper which performs another user location algorithm. In Gardell, the second algorithm (presumably LRQ 22) is generated as a result of the terminal endpoint not answering after a predetermined length of time (Gardell, col. 9, lines 34 –44). Thus, neither Gardell nor Mortsolf teach all of the elements of claim 3.

As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) *must teach or suggest all the claim limitations*." It is respectfully submitted that the combination of Mortsolf with Gardell does not teach all of the elements of claim 3. Thus, the §103 rejection should be withdrawn.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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